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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,607	03/06/2001	Robert Olan Keith JR.	ABREAU-00104	2648
28960	7590	05/13/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			NGUYEN, CAM LINH T	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,607

Applicant(s)

KEITH, ROBERT OLAN

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 2, 4- 13, 15 - 24, 26 - 26, 38 - 45 is/are pending in the application.
- 4a) Of the above claim(s) 3, 14, 25 and 37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 4- 13, 15 - 24, 26 - 26, 38 - 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/14/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is response to the Amendment filed on 3/28/2005.
2. Applicant's amendments to claims 1 – 45 are acknowledged. Consequently, claims 1, 4 – 6, 12, 15 – 17, 23, 26 – 28, 35, 38 – 40, and 45 have been amended. Claims 3, 14, 25, 37 have been cancelled. Claims 1 – 2, 4- 13, 15 – 24, 26 – 26, 38 - 45 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made:

4. Claims 1 – 2, 4- 13, 15 – 24, 26 – 26, 38 - 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witek et al (U.S. 6,253,188) in view of David V. James (U.S. 6,133,938) further in view of Chipman et al (U.S. 6,292,894 B1).

♦ As per claims 1, 12, 23, 35,

Witek teaches a method of accessing information in a searchable database comprising:

- “The searchable database is formatted in a directory tree structure” See Fig. 4, col. 11, lines 20 – 25, col. 18, lines 1 – 32.
- “The directory tree structure includes nodes ... branches” See fig. 4. Each category corresponds to a node. All nodes are linked together.

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- “Wherein each specific node provides a corresponding set of parameters by which each related item of data corresponding to the specific node is defined by setting each parameter with a corresponding value associated with the data item, thereby forming a set parameter” see Fig. 3 - 4, col. 15, lines 25 – 26, col. 51, lines 1 – 11. There are pluralities of nodes in Fig. 4. Node 60, for example, includes a corresponding parameter.
- “Accessing a particular node within the directory tree structure” See Fig. 8 – 10. A user can specify the resource by selecting a category and set up one or more set parameters as shown in Fig. 10.
- “Utilizing a selective one or more search methodologies including keyword search, hierarchical search, and dichotomous key search, wherein accessing each of the nodes within the directory tree structure each of the search methodologies including keyword search, hierarchical search, and dichotomous key search, are available” See Fig. 10, element 144 – 146 of Witek. In fig. 10, Witek also gives the users the options of answer questions by checking the boxes. Witek also disclose at least one of the search method such as category search.
- “Setting one or more search parameters corresponding to the set of parameters of the particular node” See Fig. 10, col. 30, lines 47 – 49.
- “Performing a parametric search using the one or more set search parameters ... generating one or more matching discrete data items” See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29. “One or more matching items” corresponds to the results that sent to user (Fig. 7, element 126 – 128).

Witek, however, does not teach that the parametric search can be applied from the beginning node (root node). However, searching throughout a hierarchical tree using parametric is a well-known method. James, for example, discloses a method for searching a hierarchical database using the parametric search (col. 11, lines 34 – 40, James). In addition, Chipman also discloses a method for searching a hierarchical database (col. 6, lines 56 – 57, Chipman) using the parametric search (col. 7, lines 57 – col. 8, lines 20, Chipman).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of James or Chipman into the invention of Witek because the combination would provide more accurate result from complex search strategy.

◆ As per claims 2, 13, 24, 36, the combination of Witek and James/Chipman disclose:

- “The parameters are customizable and specific to the particular node” See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29 of Witek.

◆ As per claims 4, 15, 26, 38, the combination of Witek and James/Chipman disclose:

- “The search criteria is one or more keywords input by a user” See Fig. 10, element 148, col. 29, lines 28 – 34 of Witek.

◆ As per claims 5, 16, 27, 39, the combination of Witek and James/Chipman disclose:

- “The utilized search methodology is the hierarchical search, the search criteria is selected one of a list of one or more directory items” A “hierarchical search” corresponds to “category search” because the categories include subcategories that organized in a hierarchical order. See Fig. 4, 6 – 7, col. 31, lines 4 – 11 of Witek.

◆ As per claims 6, 17, 28, 40, the combination of Witek and James/Chipman disclose:

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- “The utilized search methodology is the dichotomous key search, the search criteria is a selected one of two binary items” See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. As defined in the Specification a “dichotomous key search” is used to instruct users given in an answer or question dialog, often yes or no answer (Specification, page 18, lines 6 – 8). In fig. 10, Witek also gives the users the options of answer questions by checking the boxes. Therefore, this search option is corresponding to the “dichotomous key search”.

◆ As per claims 7, 18, 29, 41, the combination of Witek and James/Chipman disclose:

- “The searchable database is distributed into more than one physical location” See Fig. 1, element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44 of Witek.

◆ As per claims 8 – 9, 19 – 20, 30 – 32, 42, the combination of Witek and James/Chipman disclose:

- “Performing a parametric search are performed by a server” See Fig. 1, 5A, col. 25, lines 13 – 33 of Witek.
- “Establishing an Internet connection with the server to utilize the search methodologies” See Fig. 5a, element 14, 24, col. 21, lines 15 – 20 of Witek.

◆ As per claims 10 – 11, 21 – 22, 33 – 34, 43 – 44, the combination of Witek and James/Chipman disclose:

- “Maintaining the node by appropriately adding and deleting data to and from the node” See col. 50, lines 4 – 15 of Witek.
- “The node owner maintains ownership of the corresponding node” See Fig. 14, col. 50, lines 4 – 15 of Witek. “A node owner” corresponds to the system administrator.

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5. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witek et al (U.S. 6,253,188) in view of Botto et al (U.S. 5,604,772).

With the rejection as in claim 1 further claim 44 includes “a search module includes a keyword search, a hierarchical search, a dichotomous key search, and a parametric search”. The Examiner takes Official Notice that it is well known for one skill in the art to implement a search module that includes the availability of each search methodologies into the search system. A search module must be implemented in Witek invention in order for the system to carry out the processing.

The Witek reference fails to disclose the dichotomous key search. However, this method search is a well known in the art. Botto provides an example of it.

Botto teaches that a dichotomous key search is used to search for data in the database 112, wherein the database is a hierarchical database (See Fig. 5, col. 5, lines 26 – 29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Botto into the invention of Witek because the combination would reduce the memory access when using binary search, and providing user more search methodologies.

Response to Arguments

6. Applicant's arguments filed 3/28/05 have been fully considered but they are not persuasive.

Applicant argues that the combination of Witek/James/Chipman fail to disclose a dichotomous key search. The Examiner respectfully disagrees.

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Applicant does not clearly claim that the invention includes the dichotomous key search.

Applicant only claims, “utilizing a selective one or more search methodologies”. Therefore, the Witek still reads on the instant application.

Applicant also does not clearly claim “ at any step location within the database, three or more different methodologies are available to be used to perform the search”. In stead, Applicant only claims that “utilizing a selective one or more search methodologies ... wherein each utilization includes availability of each search”. Therefore, if the Witek discloses one of the methods and the method is available for the search process, then the Witek still can apply to the invention.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

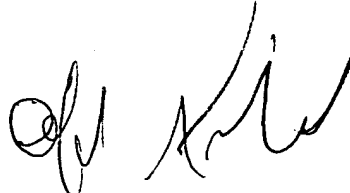
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

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A handwritten signature in black ink, appearing to read 'Alford Kindred', is positioned above the printed name and title.

**ALFORD KINDRED
PRIMARY EXAMINER**